GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Energy Department - Rules prescribing procedure for holding inquiry by Adjudicating Officer appointed by the Andhra Pradesh State Electricity Regulatory Commission under section 143 of the Electricity Act, 2003 - Notification - Orders - Issued.

ENERGY, INFRASTRUCTURE & INVESTMENT (PR-III) DEPARTMENT

G.O.MS.No. 4 DATED: 29-09-2015.

Read:-

From the Commission Secretary (In-charge), A.P.Electricity Regulatory Commission, Letter No.APERC/Secy/F.No.S-41/2015, dated 06/08/2015

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O R D E R:-

The following Notification will be published in an Extra-ordinary Issue of the Andhra Pradesh Gazette dated 30/09/2015.

NOTIFICATION

In exercise of the powers conferred by clause (l) of sub-section (2) of section 180 read with sub-section (1) of section 143 of the Electricity Act, 2003 (Central Act No.36 of 2003), the Government of Andhra Pradesh hereby makes the following rules, namely:-

1. Short title and commencement:

(1) These rules may be called the Andhra Pradesh Electricity Regulatory Commission (Manner of holding Inquiry by Adjudicating Officer) Rules, 2015.

(2) They shall come into force on the date of their publication in the Andhra Pradesh Gazette.

2. Definitions:

(1) In these rules, unless the context otherwise requires,

(a) "Act" means the Electricity Act, 2003 (Central Act No. 36 of 2003);

(b) "Adjudicating Officer" means the Adjudicating Officer appointed under sub-section (1) of section 143 of the Act;

(c) "State Commission" means the Andhra Pradesh Electricity Regulatory Commission, constituted under sub-section (1) of section 82 of the Act;

(2) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Manner of holding inquiry by Adjudicating Officer:

(1) Whenever the State Commission appoints an Adjudicating Officer under sub-section (1) of section 143 of the Act for the purpose of adjudging under the Act, the appointment order shall be in writing and the copy of the appointment order shall be provided to the person concerned;

(2) In holding an inquiry under the Act, the adjudicating officer shall, issue a notice to the person against whom inquiry is to be held, requiring him to show cause, within thirty (30) days from the date of issue of such notice, as to why an inquiry should not be held against him.

[P.T.O]

(3) Every notice under sub-rule (2) shall indicate the nature of non-compliance of directions by such person.

(4) If, after considering the cause, if any, shown by the concerned person or where no cause is shown, the Adjudicating Officer is of the opinion that an inquiry should be held, he shall for reasons to be recorded in writing, issue a notice for fixing a date for the appearance of that person either personally or through an authorized representative.

(5) The Adjudicating Officer shall give an opportunity to such person to produce such evidence as he may consider relevant and necessary for the inquiry.

(6) If any person fails, neglects or refuses to appear before the Adjudicating Officer as required under sub-rule (1), the adjudicating officer may proceed with the inquiry in the absence of such person after recording the reasons thereof.

(7) The Adjudicating Officer, while holding an inquiry, shall follow as far as possible, the same procedure as is followed in the Proceedings of the State Commission in exercise of its powers and in discharge of its functions under the provisions of the Act.

(8) The Adjudicating Officer shall complete the inquiry as far as possible, within a period of sixty (60) days from the date of his appointment and where the inquiry is not completed within the period of sixty (60) days, the Adjudicating Officer may, after recording the reasons in writing, seek extension of time from the State Commission for a further period of thirty days.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
SECRETARY TO GOVERNMENT

To
The Commissioner, Printing and Stationery Department,
Chanchalguda, Hyderabad (with a request to publish the Notification in the Extra-ordinary Andhra Pradesh Gazette, dated 30/09/2015 and supply 500 copies in this Department, immediately)

Copy to:-
The Secretary, Andhra Pradesh Electricity Regulatory Commission,
#11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Hyderabad-4
The Chairman & Managing Director, APTRANSCO, Vidyut Soudha, Hyderabad
The Managing Director, APGENCO, Vidyut Soudha, Hyderabad
The Chairman & Managing Directors of all APDISCOMs
The Law (F) Department
The P.S. to Secretary to Chief Minister (GS)
The P.S. to Chief Secretary
The P.S. to Secretary, Energy, I&I Dept
SF/SCs (C.No.1308/Power-III/2015)

// Forwarded:: By Order //

SECTION OFFICER